

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREG PFEIFER and ANDREW DORLEY,

Plaintiffs,

-vs.-

WAWA, INC., RETIREMENT PLANS  
COMMITTEE OF WAWA, INC., JARED G.  
CULOTTA, MICHAEL J. ECKHARDT, JAMES  
MOREY, CATHERINE PULOS, HOWARD B.  
STOECKEL, DOROTHY SWARTZ, RICHARD D.  
WOOD, JR. and KEVIN WIGGINS.

Defendants,

and

WAWA, INC. EMPLOYEE STOCK OWNERSHIP  
PLAN.

Nominal Defendant.

**Case No. 16-00497-PD**

**DECLARATION OF DANIEL FEINBERG IN SUPPORT OF PLAINTIFFS'  
UNOPPOSED MOTION TO AMEND FINAL APPROVAL ORDER AND FINAL  
JUDGMENT**

I, Daniel Feinberg, declare under the penalty of perjury of the laws of the United States as follows:

1. I am a partner at the law firm of Feinberg, Jackson, Worthman & Wasow LLP. I am co-counsel for Plaintiffs in the above-referenced matter. I am an active member of the Bar of the State of California and have been admitted to practice in this Court, *pro hac vice*. I am the partner in charge of overseeing this litigation at Feinberg, Jackson, Worthman & Wasow.

2. I submit this declaration in support of Plaintiffs' unopposed motion to amend the

Final Approval Order and Final Judgment to include Merry Epting in the definition of the Settlement Class.

3. In accordance with the Court's May 1, 2018 Order granting preliminary approval, the Settlement Administrator mailed the Class Notice to 1,264 Class members identified by Defendants.

4. Merry Epting was erroneously included in the list of Class members. Ms. Epting is a former Wawa employee whose employment terminated due to disability. Because her employment terminated due to disability, Ms. Epting did not meet the class definition for the Settlement Class under the Court's August 31, 2018 Order granting final approval.

5. The Notice sent to Ms. Epting estimated that she would receive approximately \$800 as part of the Settlement.

6. Ms. Epting contacted Class Counsel to discuss the Notice, and I believe that Ms. Epting relied on the Notice's claim that she was a member of the Settlement Class and would receive \$800.

7. Ms. Epting's estimated award amounts to approximately 0.004% of the Settlement's \$25,000,000.00 common fund (after deductions for attorneys' fees, costs, and service awards).

8. The Settlement Administrator has not yet distributed the Settlement Funds to Class Members.

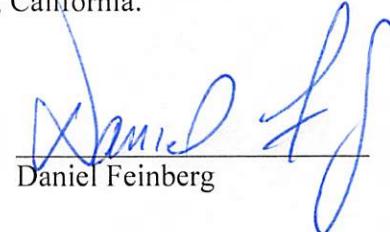
9. Class Counsel respectfully requests that the Court approve the Proposed Amended Final Approval Order and Proposed Amended Judgment. A proposed Amended Final Approval Order and Proposed Amended Final Judgment, with changes redlined, are attached as Exhibits 1 and 2, respectively, and versions with the proposed redlines incorporated are attached as Exhibits

3 and 4 respectively.

10. Defendants have consented to this request.

The foregoing is true and correct to the best of my knowledge and belief.

Executed this 28<sup>th</sup> day of November, 2018 in Berkeley, California.

  
Daniel Feinberg